

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

JIMMY DON YARBROUGH, §  
Petitioner, §  
v. § 1:22-CV-01138-DII  
WARDEN ROSALEZ, §  
Respondent. §

**ORDER**

Before the Court is Petitioner Jimmy Don Yarbrough’s (“Yarbrough”) Motion for Relief Under § 2241 U.S.C. Article 28. (Dkt. 1). The case was referred to United States Magistrate Judge Susan Hightower for findings and recommendations, pursuant to 28 U.S.C. § 636(b). Judge Hightower filed her report and recommendation on June 30, 2023. (Dkt. 13). In her report and recommendation, Judge Hightower recommends that the Court grant the Government’s Motion to Dismiss, (Dkt. 11), and dismiss as moot Yarbrough’s Petition for Writ of Habeas Corpus Under § 2241 U.S.C. Article 28. (*Id.* at 4). Yarbrough received the report and recommendation by July 5, 2023. (Dkt. 15). As of the date of this order, Yarbrough has not filed any objections to the report and recommendation.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge’s proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. When no objections are timely filed, a district court can review the magistrate’s report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee’s note (“When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge, (Dkt. 13), is **ADOPTED. IT IS ORDERED** that the Government's Motion to Dismiss, (Dkt. 11), is **GRANTED**, and Yarbrough's Motion for Relief Under § 2241 U.S.C. Article 28, (Dkt. 1), is **DISMISSED AS MOOT**.

**SIGNED** on July 26, 2023.



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ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE